COVENANTS RUNNING WITH LAND.—A covenant in a deed for a railroad right of way as to the number of trains that shall be run on the road is held, in *Doty* v. *Chattanooga Union R. Co.* (Tenn.), 48 L. R. A. 160, to be a covenant running with the land, where it constitutes the chief consideration of the contract, and an action to enforce it against the subsequent purchaser of the railroad is sustained, although the covenant had been broken by the original grantee before the transfer.

NATIONAL BANKS—LIEN ON SHARES.—The right of a national bank to an equitable lien upon its shares of stock is denied in *Buffalo German Ins. Co.* v. *Third Nat. Bank* (N. Y.), 48 L. R. A. 107, where there was a by-law providing that any liability of the stockholder should be a lien on the stock, but this was in conflict with the provisions of the national banking law. The fact that such by-law was printed on the face of the stock certificate, so as to give notice to every taker, was held not to subject him to such a lien.

LIMITATION OF ESTATES—CONDITIONS SUBSEQUENT—IMPOSSIBILITY OF PERFORMANCE.—A will giving a grand-nephew an estate for the purpose of securing to him a liberal education, requiring him to finish a collegiate course, and providing that the property shall pass from him if he fails to do so through his own disinclination or incapacity or the indifference of his parents or guardians, with a trust to last until he is twenty-five years of age, is held, in *Ellicott* v. *Ellicott* (Md), 48 L. R. A. 58, to vest in him an equitable estate, subject to be devested by non-performance of the condition as a condition subsequent, and the failure to finish his collegiate course because of his death is not sufficient to defeat the gift.

POLICE POWER—DEPARTMENT STORES.—An ordinance prohibiting the sale of any meats, fish, or other provisions or any intoxicating liquors in any place of business where dry goods, cloth, and other specified goods are sold is held, in *Chicago* v. *Netcher* (Ill.), 48 L. R. A. 261, to be in violation of the constitutional guaranties of liberty and the protection of property, and not a valid exercise of the police power. With this case is a note on legal restrictions upon department stores.

A statute dividing the kinds of goods that may be sold in a store into various groups and classes, and making it unlawful to sell goods of more than one class in the same store without paying exorbitant license fees for the privilege, is held, in *State* v. *Ashbrook* (Mo.), 48 L. R. A. 265, to be an unconstitutional interference with lawful business, and not a valid exercise of the police power.

MASTER AND SERVANT—APPLIANCES.—The provision of a penalty for violation of a statute enjoining upon railroad companies the duty of blocking switches is held, in *Narramore* v. *Cleveland, O. C. & St. L. R. Co.* (C. C. A. 6th C.), 48 L. R. A. 68, not to make that remedy exclusive of actions by persons injured by the neglect of the duty imposed, unless such is the intent to be inferred from the whole purview of the statute. With this case is a note reviewing the authorities on the liability of an employer for injuries to servants caused by want of blocking at switches.

An employee whose special business it is to oil a shaft and bearing is held, in *Ford* v. *Mt. Tom Sulphite Pulp Co.* (Mass.), 48 L. R. A. 96, not to be entitled to

be warned of a set screw fastening a collar near the end of the shaft. With this case is a note presenting the decisions on the right of servants to recover for injuries caused by projecting set screws in shafts and other moving machinery.

BANKRUPTCY—JURISDICTION OF SUITS BY TRUSTEE TO RECOVER ASSETS.—In *Bardes* v. *First Nat. Bank of Hawarden*, 20 Sup. Ct. 1000, the Supreme Court of the United States settles an important question of bankruptcy practice, in construing secs. 2 and 23 of Bankruptcy Act of 1898, as not conferring upon the District Courts of the United States jurisdiction of suits by the trustee to assert title to property, as assets of the bankrupt, against strangers to the bankruptcy proceeding, except by consent.

Much diversity of view had been developed in the lower courts on this subject, and it is fortunate that the point is now settled.

In the same case it is held that sec. 2 of the same act does not confer upon courts of bankruptcy general jurisdiction at law and in equity of proceedings to reduce into possession alleged assets of a bankrupt, as against strangers to the bankruptcy proceedings, who claim title to such property.

In brief, the court holds that clause (b) of sec. 23 means precisely what it declares, namely, that "suits by the trustee shall only be brought or prosecuted in the courts where the bankrupt, whose estate is being administered by such trustee, might have brought or prosecuted them if proceedings in bankruptcy had not been instituted, unless by consent of the proposed defendant."

CONSTITUTIONAL LAW—EXEMPTION FROM TAXATION.—In *Crafts* v. *Ray* (R. I.), 46 Atl. 1043, it is held that a constitutional provision that "all laws should be made for the good of the whole, and the burdens of the State are to be fairly divided among its citizens," is directory only, and does not prohibit the legislature from exempting from taxation the property of private corporations for a limited period.

The opinion by Stiness, C. J., contains a full discussion of this important question—a question as to which there is considerable diversity of opinion.

The exempting of corporations from municipal taxation, under legislative authority, as an inducement to them to locate in the cities extending the exemption, is quite common in Virginia. The constitutionality of such exemption is probably an open question in this State. Prior to the decision in *Whiting* v. *West Point*, 88 Va. 905, the constitutionality of such exemption had been upheld in several cases. These cases were, however, discredited in a *dictum* in *Whiting* v. *West Point* (*supra*), in consequence of which the law has been regarded since as unsettled. In a recent case in Lynchburg it was held by Judge Whittle, of the Circuit Court, that such legislation is not unconstitutional.

Laying authority aside, it would seem that the exemption from taxation of a purely private business corporation, having no public duties to perform, is, in effect, a subsidy to them wrung from the pockets of other tax-payers against their will, and for which they receive no consideration. In other words, it is taking private property for private use, and that, too, without compensation. In *Cole* v. *LaGrange*, 113 U. S. 6, it was held that an act of legislature, authorizing a municipal corporation to make a donation of its bonds to a private manufacturing corpora-